

1000 CLEMENTS, ET AL. v. AUSTIN, ET AL.

2022 DEC-7 PM11:02

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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF SOUTH CAROLINA**
11 **CHARLESTON DIVISION**

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13 DEREK CLEMENTS, et.al.,
14 Plaintiffs,
15 vs.
16 LLOYD J. AUSTIN III,
17 Defendant.

Case No.: 2-22-cv-02069-RMG
MOTION FOR LEAVE TO FILE
AMICUS CURIAE
Hon. Judge Richard M. Gergel

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19 COMES NOW, Pritish Vora, Amicus Curiae, by way of Pro Se, files with the
20 Honorable Court his motion for leave to file an informational brief in the above
21 referenced matter in support of the Plaintiffs' motion for a preliminary injunction
22 (ECF 34) to provide factual references that warrant judicial notice, to provide facts
23 that may escape the Court's consideration, and to supplement the diligent efforts of
24 counsel. Amicus states as follows:

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27 1. Amicus is an individual, concerned U.S. citizen from California and is
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1 familiar with the docket entries in this case regarding the implementation of the
2 “Covid-19 vaccine mandate.” Amicus has a PACER account and has filed prior
3 Amicus briefs with the Clerk of the Court in support of the Armed Forces which
4 were accepted for filing by the Honorable Courts: See Coker et. al. v. Austin et. al.,
5 No. 3:21-cv-1211-AW-HTC (N.D. FL 2022) (Dkt. entries 66-1, 84-1, and 99-1)¹;
6 See also Wilson et. al. v. Austin et. al., No. 4:22-cv-00438-ALM (E.D. TX 2022)
7 (Dkt. entry 19).²

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9 2. Amicus is a Pro Se, is not an attorney, does not hold any law degree, but
10 is aware of the Federal Rules of Civil Procedure. Amicus has filed cases as a Pro
11 Se Plaintiff in the Central District of California in other matters. See, e.g., Vora v.
12 Equifax Information Services, LLC et al., No. 8:19-cv-00302-AG-KES (C.D. Cal.
13 2019). (Case settled).

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15 3. Notwithstanding “the absence of a specific provision” in the rules
16 authorizing amicus briefs, “*District Courts have long been permitted to allow*

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¹<https://storage.courtlistener.com/recap/gov.uscourts.flnd.409961/gov.uscourts.flnd.409961.66.1.pdf>;

<https://storage.courtlistener.com/recap/gov.uscourts.flnd.409961/gov.uscourts.flnd.409961.84.1.pdf>;

<https://storage.courtlistener.com/recap/gov.uscourts.flnd.409961/gov.uscourts.flnd.409961.99.1.pdf>

²<https://storage.courtlistener.com/recap/gov.uscourts.txed.214840/gov.uscourts.txed.214840.19.0.pdf>

1 *amicus appearances at their discretion.” See Vigil v. AT&T, 1969 WL 118, at *1*
2 (D.Colo. Sept. 9, 1969).

3 4. “*The classic role of the amicus curiae is to assist in a case of general*
4 *public interest, supplement the efforts of counsel, and draw the Court’s attention to*
5 *law or facts that may otherwise escape consideration.” See Miller-Wohl Co., Inc.*
6 *v. Commissioner of Labor and Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

7 5. The Defendants’ motion in opposition to Plaintiffs’ motion for
8 preliminary injunction rests largely on the theory that it is “*not mandating EUA*
9 *vaccines*,” (i.e., vaccines pursuant to Emergency Use Authorization), that it has
10 “*FDA approved*” (i.e., licensed vaccines), and thus Plaintiffs’ lack standing, lack
11 justiciability, that Plaintiffs’ claims are not ripe, and Plaintiffs’ claims are moot.
12 (See ECF 41).

13 6. Amicus intends to support the Plaintiffs’ motion for preliminary relief by
14 showing the following, using largely the government’s own documents, and shall
15 provide a supporting memorandum as follows:

16 a. Defendants do NOT have “FDA-approved” licensed Covid-19
17 vaccines with proper structured product labeling; the Defendants are violating the
18 Plaintiffs’ informed consent, and thus the DoD mandate is void *ab initio*.

19 b. Defendants are, in fact, mandating EUA Covid-19 vaccines,
20 which have short-term deleterious adverse effects, including, but not limited to,

permanent disability of a bodily function, and **DEATH**. (Emphasis added).

7. This information will be useful to support the Plaintiffs' factual contentions; information is likely to have an influence on or affect the outcome of a claim or defense; information deserves to be considered in the preparation, evaluation, or trial of a claim or defense; and this is information that reasonable and competent counsel would consider reasonably necessary to prepare, evaluate, or try a claim or defense.

8. The Court has not made a final determination of the pending motion, and there is no prejudice to the parties to have this information presented before the Court fully decides the respective parties' positions.

WHEREFORE, Amicus respectfully requests that the Court GRANT leave to file the Amicus Curiae brief, attached contemporaneously with this motion for leave.

Respectfully submitted on this day of Dec. 7, 2022

By: Pritish Vora

Affirmation by Pritish Vora pursuant to Local Rule 7.02

I, Pritish Vora, Amicus Curiae, Pro Se, conferred with the parties' counsel via e-mail prior to filing this motion for leave. Plaintiffs' counsel responded as "unopposed." Defendants' counsel responded as "take no position."

CERTIFICATE OF SERVICE

I, Pritish Vora, Amicus Curiae, hereby certify that I sent the motion for leave to file Amicus Curiae to the Clerk of the Court via FedEx on December 7, 2022, with copies sent to each of the respective parties below via U.S. first class mail, postage prepaid.

Respectfully submitted by:

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Case No.: 2-22-cv-02069-RMG
[PROPOSED] ORDER

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19 Upon review of the motion for leave to file Amicus Curiae by Pritish Vora,
20 and for good cause shown, the motion for leave to file is GRANTED.

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22 IT IS SO ORDERED.
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25 Hon. Richard Mark Gergel
26 U.S. District Court Judge
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